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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 MICHAEL GRIFFITH, et al.,

9 Plaintiffs,

v.

10 STATE OF IDAHO, et al.,

11 Defendants.
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CASE NO. C17-5708 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 8), and
15 Plaintiffs John Cruz Meno, Michael Griffith, Michael Aaron Bonner, and Detrick Curtis
16 Conerly’s (“Plaintiffs”) objections to the R&R (Dkt. 9).

17 On September 26, 2017, Judge Creatura issued the R&R recommending that the
18 Court dismiss the complaint for improper venue. Dkt. 8. On October 16, 2017, Plaintiffs
19 objected arguing that venue is proper for several reasons. Dkt. 9.

20 The district judge must determine de novo any part of the magistrate judge’s
21 disposition that has been properly objected to. The district judge may accept, reject, or
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1 modify the recommended disposition; receive further evidence; or return the matter to the
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 In this case, Plaintiffs' objections are without merit. The Western District of
4 Washington is not a proper venue for this action. Neither Plaintiffs nor any of the named
5 Defendants reside in this district. The Court has discretion to either dismiss the action or
6 transfer it to the District of Idaho. The Court concludes that is in the best interest of
7 justice to dismiss this case without prejudice because Plaintiffs' allegations as pleaded are
8 without merit. Therefore, the Court having considered the R&R, Plaintiffs' objections,
9 and the remaining record, does hereby find and order as follows:

- 10 (1) The R&R is **ADOPTED**;
- 11 (2) Plaintiffs' motion to proceed *in forma pauperis* is **DENIED** and the
12 complaint is **DISMISSED without prejudice**;
- 13 (3) Plaintiffs' pending motions are **DENIED as moot**; and
- 14 (4) The Clerk shall close this case.

15 Dated this 3rd day of November, 2017.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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